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Office of Petitions
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PATENT
Attorney Docket No.: 16869S-019500

On July 24, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Margaret K. Stepha

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yokio Isobe, *et al.*

Application No.: 09/757,802

Filed: January 9, 2001

For: Apparatus and Method for
Recording and Reproducing Information

Examiner: Unknown

Art Unit: Unknown

Petition for Original Filing Date

Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Petition is in response to the Notice of Incomplete Nonprovisional Application, dated April 24, 2001. The originally-filed application was deemed incomplete due to a stated absence of drawings and failure to pay certain fees.

At the time the patent application was filed, the accompanying transmittal letter stated:

"This application claims priority from each of the following Application Nos./filing dates:
Japanese Patent Application 2000-006062, Filed January 11, 2000, the disclosure(s) of which is (are) incorporated by reference."

07/31/2001 AMDNDAF 00000001 20.430 03757802

07 FD:122 155.00 CH

09757802-073001

With this Petition counsel encloses the certified priority document, together with the drawings included in the priority document. Because these documents were incorporated by reference and were already on file in Japan, counsel believes a complete application was and is now of record with the U.S. Patent Office. Therefore, counsel respectfully requests that the Patent Office grant the original date of deposit by Express Mail for the U.S. application, that is January 9, 2001.

In addition, accompanying this Petition are the following documents to be made of record in the above-identified application:

- (1) an English translation of the specification, including an executed declaration of accuracy;
- (2) 20 sheets of formal drawings;
- (3) a Petition to Add to Originally Named Inventors to the patent application;
- (4) an executed Declaration and Power of Attorney form;
- (5) a Petition for Extension of Time; and
- (6) a Fee Transmittal authorizing the Patent Office to charge the deposit account of the undersigned counsel for the statutory basic filing fee, and the English translation fee, as well as three petition fees.

Should the Patent Office have any questions, please contact the undersigned.
This Petition is submitted in duplicate.

Respectfully submitted,



Robert C. Colwell
Reg. No. 27,431

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09/757,802-073001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D C 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/757,802	01/09/2001	Yokio Isobe	16869P0019500US

CONFIRMATION NO. 7357

20350
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

FORMALITIES LETTER



OC000000006003800

Date Mailed: 04/24/2001

RECEIVED

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

AUG 01 2001

FILED UNDER 37 CFR 1.53(b)

OFFICE OF PETITIONS

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The balance due by applicant is \$ 840.
- The English translation fee of \$ 130 as set forth 37 CFR 1.17(k) was not paid.

07/31/2001 RUCNDAP1 00000001 201437 0371703E

01 FD:101	710.00 CH
02 FD:102	240.00 CH
03 FD:103	84.00 CH
04 FD:105	130.00 CH
05 FD:106	130.00 CH

A copy of this notice MUST be returned with the reply.

09757802 "033001"

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09757802-073004